



UNITED STATES PATENT AND TRADEMARK OFFICE

requesting entry of  
drawings before 1st OA

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov



SARA A. CENTONI  
NEXSEN PRUET, LLC  
POST OFFICE DRAWER 2426  
COLUMBIA, SC 29202-2426

**COPY MAILED**

**SEP 09 2004**

**OFFICE OF PETITIONS**

In re Application of  
Brian J. Bagwell  
Application No. 10/816,058  
Filed: April 1, 2004  
Attorney Docket No. 32984-1

DECISION GRANTING PETITION

This is a decision on the petition filed July 28, 2004, to accord the above-identified application a filing date of April 1, 2004.

On April 1, 2004, the application was deposited.

On July 22, 2004, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of the drawings.

In response, the present petition alleges that the drawings did accompany the original application papers. Petitioner also provided statement from persons with knowledge of the filing of the application and a copy of an Office date-stamped postcard acknowledging receipt of an unspecified number of drawings, among other items.

The drawings were not found with the application papers, and the itemization of the postcard is lacking in that it does not indicate how many sheets of drawings were received. It has determined, however, that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence).<sup>1</sup> A review of the record reveals that claim 13 is a method claim. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, is entitled to a filing date. Petitioner must file an amendment requesting entry of the drawings filed July 28, 2004, prior to the first action on the merits.

In view of the above, the petition is **granted**.

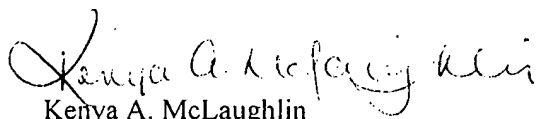
The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of April 1, 2004, using only those application papers filed on April 1, 2004.

<sup>1</sup>MPEP 601.01(f).

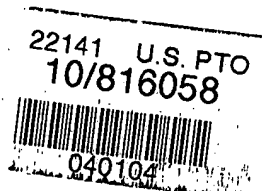
**BEST AVAILABLE COPY**



Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

A handwritten signature in cursive script, reading "Kenya A. McLaughlin".

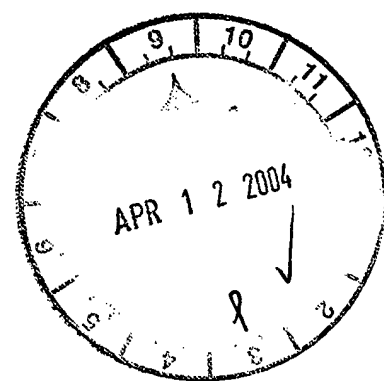
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



**PATENT APPLICATION FILING**  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Transmittal Letter; Patent Application Transmittal Letter; Utility Patent  
Application Transmittal; Power of Attorney; Formal Drawings;  
Certificate of Express Mailing; Postcard

In re : Brian Bagwell  
Atty Docket : 32984-1  
Atty: SARA A. CENTIONI  
Title: Compacting Method and Apparatus





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/816,058	04/01/2004	J. Brian Bagwell	32984-1

SARA A. CENTIONI  
 NEXSEN PRUET, LLC  
 POST OFFICE DRAWER 2426  
 COLUMBIA, SC 29202-2426

CONFIRMATION NO. 9636

## FORMALITIES LETTER



\*OC000000013303846\*

Date Mailed: 07/22/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

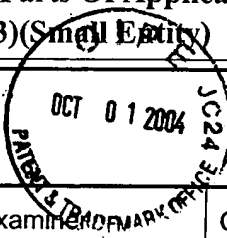
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
32984-01

In Re Application Of: BAGWELL, BRIAN J.



Application No. 10/816,058	Filing Date 04/01/2004	Examiner UNKNOWN	Customer No.	Group Art Unit UNKNOWN	Confirmation No.
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Invention:

**COMPACTING METHOD AND APPARATUS**

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
7/22/04  
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☐ \_\_\_\_\_ verified small entity declaration(s)
  - ☐ is/are attached.
  - ☐ was/were filed on \_\_\_\_\_
- ☒ A separate request for refund.
- ☒ Other (list):

**AFFIDAVIT OF ANGELINE MARIE COBHB WHO HAS FIRST-HAND KNOWLEDGE THAT ALL ITEMS WERE SUBMITTED. \_\_\_\_\_ FROM ATTORNEY SARA A. CENTIONI....**

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.  
**32984-01**

In Re Application Of: **BAGWELL, BRIAN J.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/816,058	04/01/2004	UNKNOWN		UNKNOWN	

Invention:

**COMPACTING METHOD AND APPARATUS**

**TO THE COMMISSIONER FOR PATENTS:**

**Mail Stop Missing Parts**

☐ Completion of application fees as calculated below:

☐ Utility application filing fee \_\_\_\_\_

☐ Design application filing fee \_\_\_\_\_

☐ Total number of independent claims = \_\_\_\_\_

☐ Total number of claims = \_\_\_\_\_

☐ Multiple dependent claims \_\_\_\_\_

☐ Surcharge for late payment of filing fee and/or late filing of original declaration or oath \_\_\_\_\_

☐ Petition and fee for filing by other than all the inventors or a person not the inventor \_\_\_\_\_

☐ Fee for processing an application filed with a non-English language specification \_\_\_\_\_

☐ Fee for processing and retention of application \_\_\_\_\_

Total completion of application fees \_\_\_\_\_

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: \_\_\_\_\_ until: \_\_\_\_\_  
Date Date

Total time extension fees \_\_\_\_\_

Total fees due \_\_\_\_\_

**Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)**

Docket No.  
32984-01

In Re Application Of: **BAGWELL, BRIAN J.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/816,058	04/01/2004	UNKNOWN		UNKNOWN	

Invention:

**COMPACTING METHOD AND APPARATUS**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of **\$130.00** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **080719**
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **080719**

  
Signature

**SARA A. CENTIONI  
REG NO. 50,543  
NEXSEN PRUET, LLC  
POST OFFICE DRAWER 2426  
COLUMBIA, SC 29202-2426  
TEL: (803) 771-8900  
FAX: (803) 253-8277  
SCENTIONI@NEXSENPRUET.COM**

Dated: **JULY 26, 2004**

I certify that this document and fee is being deposited on **July 27, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature of Person Mailing Correspondence

**A. MARIE COBB**

Typed or Printed Name of Person Mailing Correspondence

CC:



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re : Bagwell, J. Brian                      Atty Docket : 32984-01  
Serial No.: 10/816,058                      Examining Atty: Unknown  
Filing Date: April 1, 2004                      Group Art:  
Title: Compacting Method and Apparatus

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION**

Applicant respectfully petitions that the filing date 04/01/04 be officially accorded to the above listed application. Applicant filed application with all the requisite parts, including a specification as prescribed by 35 U.S.C. 112 containing a description pursuant to §1.171 and at least one claim pursuant to §1.75 and any drawing required by §1.81(a) in the Patent and Trademark Office on 04/01/04, pursuant to 37 CFR 1.53. Applicant attaches as proof the affidavits of attorney of record and assistant for attorney of record.

Dated: July 27, 2004

Sara A. Centioni  
Reg. No. 50,543  
Nexsen Pruet, LLC  
Post Office Drawer 2426  
Columbia, SC 29202-2426  
Tel: (803) 771-8900  
[scentioni@nexsenpruet.com](mailto:scentioni@nexsenpruet.com)

**Certificate of Transmission by U.S. Mail**

I hereby certify that this document is being transmitted via U.S. Mail to the Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature





PATENT


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re :            Bagwell, J. Brian            Atty Docket :            32984-01  
Serial No.:       10/816,058            Examining Atty:       Unknown  
Filing Date:     April 1, 2004            Group Art:  
Title:            Compacting Method and Apparatus

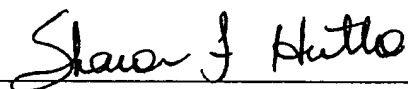
The Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AFFIDAVIT OF SARA A. CENTIONI**

1.     My name is Sara A. Centioni.
2.     I reviewed the entire patent application, including specification drawings and declaration. thereafter, I signed the application and instructed my assistant, Marie Cobb, to mail the application.
3.     I observed the application materials before they were placed in an envelope for mailing and these materials included both the drawings and declaration.
4.     I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

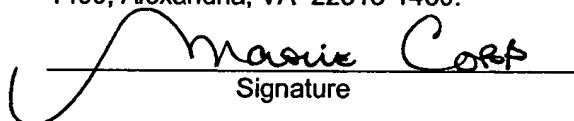
  
Sara A. Centioni

SWORN and subscribed to before me  
this 26 day of July, 2004.

  
Notary Public for South Carolina  
County of Lexington  
My Commission expires: 3-15-2006

Certificate of Transmission by U.S. Mail

I hereby certify that this document is being  
transmitted via U.S. Mail to the Commissioner  
for Patents, Mail Stop Missing Parts, P.O. Box  
1450, Alexandria, VA 22313-1450.

  
Signature



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re :            Bagwell, J. Brian            Atty Docket :            32984-01  
Serial No.:       10/816,058            Examining Atty:       Unknown  
Filing Date:     April 1, 2004            Group Art:  
Title:            Compacting Method and Apparatus

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

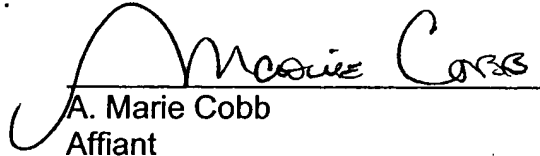
**AFFIDAVIT OF A. MARIE COBB**

1.     My name is A. Marie Cobb.
2.     I am a secretary of Nexsen Pruet Jacobs & Pollard, LLC. I have held this position approximately two years.
3.     I am specifically assigned to work for Sara A. Centioni, Esquire.
4.     As part of my responsibilities, as instructed by Attorney Sara A. Centioni, I prepare and file documents with the U.S. Patent and Trademark Office.
5.     On April 1, 2004, Sara A. Centioni gave the file for the above-referenced matter to me and asked that I mail the non-provisional patent application. now listed as Application Serial No. 10/816,058.
6.     As instructed, I mailed 32 pages which included the Transmittal, the application, the combined Declaration and Power of Attorney, six sheets of drawings, and a Certificate of Transmission by first class mail. I paper-clipped the entire package and placed it in the mail. To further ensure that the drawings would be not be separated by the U.S. Patent and Trademark Office, I placed the drawings before the Certificate of Mailing.

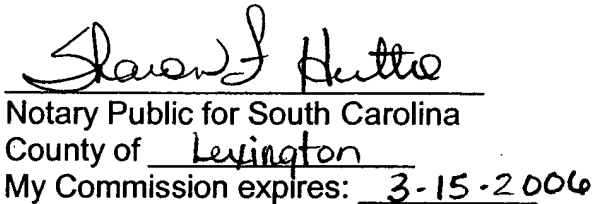
7. Enclosed is an exact copy of the application as mailed to the U.S. Patent and Trademark Office.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

FURTHER AFFIANT SAYETH NOT.

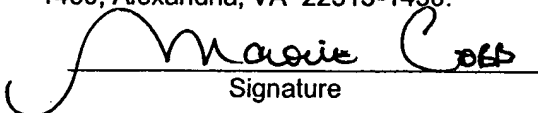
  
A. Marie Cobb  
Affiant

SWORN and subscribed to before me  
this 27th day of July, 2004.

  
Notary Public for South Carolina  
County of Lexington  
My Commission expires: 3-15-2006

Certificate of Transmission by U.S. Mail

I hereby certify that this document is being transmitted via U.S. Mail to the Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature

## PATENT APPLICATION TRANSMITTAL LETTER

(Small Entity)

Docket No.

32984-1

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith for filing under 35 U.S.C. 111 and 37 C.F.R. 1.53 is the patent application of:

BAGWELL, JAMES BRIAN

For: COMPACTING METHOD AND APPARATUS

Enclosed are:


- ☒ Certificate of Mailing with Express Mail Mailing Label No. EV 331626075 US
- ☒ SIX sheets of drawings.
- ☐ A certified copy of a application.
- ☒ Declaration ☒ Signed. ☐ Unsigned.
- ☒ Power of Attorney
- ☐ Information Disclosure Statement
- ☐ Preliminary Amendment
- ☐ Verified Statement(s) to Establish Small Entity Status Under 37 C.F.R. 1.9 and 1.27.
- ☒ Other: POST CARD

## CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	15	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
TOTAL FILING FEE					\$385.00

- ☐ A check in the amount of to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 080719 as described below.
- ☒ Charge the amount of \$385.00 as filing fee.
- ☐ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 4/1/04

  
Signature

SARA A. CENTIONI  
REGISTRATION NO. 50,543  
NEXSEN PRUET, LLC  
POST OFFICE DRAWER 2426  
COLUMBIA, SC 29202-2426  
TEL: (803) 771-8900  
SCENTIONI@NEXSENPRUET.COM

cc:

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
32984-1Total Pages in this Submission  
32**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

COMPACTING METHOD AND APPARATUS

and invented by:

JAMES BRIAN BAGWELL

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

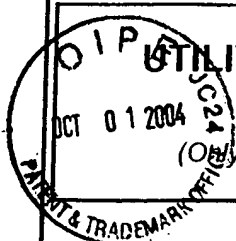
Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 17 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure



**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
32984-1

Total Pages in this Submission  
32

**Application Elements (Continued)**

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal      Number of Sheets      SIX
- b. ☐ Informal      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☒ Newly executed (original or copy)      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EV 331626075 US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
32984-1

Total Pages in this Submission  
32

**Accompanying Application Parts (Continued)**

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

18. ☐ Additional Enclosures *(please identify below)*:

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***



**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
32984-1

Total Pages in this Submission  
32

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	15	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$385.00

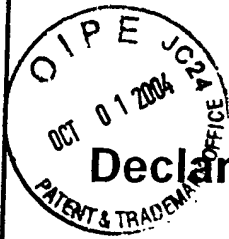
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 080719 as described below.
- ☒ Charge the amount of \$385.00 as filing fee.
- ☐ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: APRIL 1, 2004

  
Signature

SARA A. CENTIONI  
REGISTRATION NO. 50,543  
NEXSEN PRUET, LLC  
POST OFFICE DRAWER 2426  
COLUMBIA, SC 29202-2426  
TEL: (803) 771-8900  
SCENTIONI@NEXSENPRUET.COM

cc:



Docket No.  
32984-1

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### COMPACTING METHOD AND APPARATUS

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

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Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



PATENT

## COMPACTING METHOD AND APPARATUS

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Citizenship: U.S.

CROSS REFERENCE TO RELATED APPLICATIONS: Not applicable.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT: Not applicable.

REFERENCE TO A SEQUENCE LISTING, A TABLE, OR A COMPUTER PROGRAM LISTING COMPACT DISK APPENDIX: Not Applicable.

#### BACKGROUND OF THE INVENTION:

**[0001]** The present invention relates to a compacting method and apparatus, and, in particular, a compacting method and apparatus employing the use of a forklift.

**[0002]** A major concern of metropolitan areas is refuse collection. Typically, industries within these areas incur significant expenses to collect and remove refuse. Current refuse collection systems involve the collection of refuse from local points and the transportation of this refuse to a disposal site located remote to the local points. Because of the hassle and inconvenience involved in refuse collection, these refuse collection systems are typically operated by independent contractors that will charge a fee based on various parameters, including the amount of trips that must be made to the disposal sites.

**[0003]** In the case that a refuse collection fee is directly related to the amount of pickups and the amount of filled refuse containers being picked up, it becomes desirable to pack as much refuse as possible into the containers. Accordingly, a device

sometimes used in refuse collection systems is a hydrolic packing ram. Although packing rams generally function to compact the refuse in containers, these rams tend to be very expensive and must be permanently installed and occupy valuable space. Additionally, packing rams require maintenance and electric service.

**[0004]** Accordingly, there remains a need for an inexpensive and effective refuse collection system.

#### SUMMARY OF THE INVENTION:

**[0005]** The following presents a simplified summary of the invention in order to provide a basic understanding of some aspects of the invention. This summary is not an extensive overview of the invention. It is not intended to identify key or critical elements of the invention or to delineate the scope of the invention. Its sole purpose is to present some concepts of the invention in a simplified form as a prelude to the more detailed description that is presented later.

**[0006]** According to its major aspects and briefly stated, the present invention is a method and system for compacting refuse in refuse containers such as roll off containers. As used herein, the term "roll off containers" refers to a refuse receptacle having an open top that is adapted to be carried by a vehicle, such as a truck. These receptacles are also referred to as "box rollers." The present system includes a forklift apparatus, which is used to engage a compaction weight. Once engaged, the compaction weight is placed over the open top of a roll off container including refuse.

Next, the compaction weight is lowered into the container by the forklift so as to compact the refuse.

**[0007]** A feature of the present invention is the use of a compaction method and system, which includes the combination of a forklift apparatus and a compaction weight. Heretofore, forklifts have been used primarily to lift and transport objects. However, the present invention permits a forklift to be used for the additional task of compacting, which was previously beyond its applicability. Additionally, the combination of a forklift apparatus with a compaction weight provides a relatively simple and economic way of compacting refuse in a receptacle such as a roll off container. As discussed, refuse compactors such as packing rams tend to be both expensive and complex. Further, packing rams must be permanently fixed and occupy valuable docking space for loading and unloading freight. In the present invention, the compaction system is portable and is 75% less than the cost of hydrolic packing rams. Moreover, the compaction system does not require any complicated machinery or special operator skill to implement. Finally, the compaction system can be conveniently stored and transported.

**[0008]** Another feature of the present invention is the use of a compaction weight that is dimensioned to be engaged by a forklift apparatus. The particular dimensions of the compaction weight contribute to the ease and simplicity of the compaction method and system. Furthermore, safety features can be included to the compaction weight to ensure that the forklift apparatus safely and effectively compacts the refuse in a receptacle without misplacing or dropping the weight during compaction.



**[0009]** Yet another feature of the present invention is the use of a compaction weight that is dimensioned to be received by a roll off container. The dimensions of the compaction weight can be particularly suited for compacting refuse within the roll off container. Therefore, the refuse can be most effectively and efficiently compacted without the need for multiple or complex compacting steps.

**[0010]** Other features and advantages of the present invention will be apparent to those skilled in the art from a careful reading of the Detailed Description of the Invention presented below and accompanied by the drawings.

#### **BRIEF DESCRIPTION OF THE DRAWINGS:**

In the drawings,

**[0011]** FIG. 1 is a side elevational view of a forklift apparatus and a compaction weight of a compaction system according to a preferred embodiment of the present invention;

**[0012]** FIG. 2 is a perspective view of a compaction weight according to a preferred embodiment of the present invention;

**[0013]** FIG. 3 is a side cross sectional view taken at Line 3-3 of FIG. 2 of a compaction weight according to a preferred embodiment of the present invention;

**[0014]** FIG. 4A is a front cross sectional view taken at Line 2-2 of FIG. 2 of a compaction weight according to a preferred embodiment of the present invention;

**[0015]** FIG. 4B and 4C are alternative detailed cross sectional views of the tine-receiving channels, according to a preferred embodiment of the present invention;

**[0016]** FIG. 5 is a perspective view of a safety feature of a compaction system according to a preferred embodiment of the present invention;

**[0017]** FIG. 6A is a side elevational view of a forklift apparatus and a compaction weight of a compaction system, with tines inserted in the channels of the compaction weight, according to a preferred embodiment of the present invention;

**[0018]** FIG. 6B is a side elevational view of a compaction system and a refuse receptacle, with compaction weight shown lifted by fork lift, according to a preferred embodiment of the present invention;

**[0019]** FIG. 6C is a side elevational view of a compaction system and a refuse receptacle, with lifted compaction weight poised over refuse receptacle, according to a preferred embodiment of the present invention;

**[0020]** FIG. 6D is a side elevational view of a compaction system with a refuse receptacle shown during compaction according to a preferred embodiment of the present invention;

**[0021]** FIG. 6E is a side elevational view of a compaction system with a refuse receptacle shown after compaction according to a preferred embodiment of the present invention;

**[0022]** FIG. 7 is a flow chart of a process according to a preferred embodiment of the present method.

#### DETAILED DESCRIPTION OF THE INVENTION:

**[0023]** Referring now to FIG. 1, there is shown a compaction system **10** of the present invention. As illustrated, the compaction system **10** includes a forklift apparatus **12** and a compaction weight **14**. The particular features of the forklift apparatus **12** are not critical. Generally, the forklift apparatus **12** can include a conventional forklift chassis **16** including a frame being conventionally mounted upon a wheel assembly including axle members (not shown) and wheel members **17**. A conventional drive assembly is conventionally mounted to the conventional forklift chassis **16** and includes a steering mechanism **18** and a foot pedal **20** being functionally and conventionally positioned at the front end of the forklift chassis **16**. Forklift apparatus **12** further includes a seat **22** for a forklift operator. Finally, a conventional lift assembly **24**

including a plurality of lifting tines 26 is movably and conventionally mounted upon a mast 27 located at the front end of the forklift chassis 16.

[0024] The compaction weight 14 of the present invention is shown in detail in FIGS. 2-4. As illustrated, the compaction weight 14 generally has a box-like shape including a top surface 30 and an opposing bottom surface 31, which are connected along the edges by side walls, 32, 33, 34, 35 perpendicular to the top surface 30 and bottom surface 31. Although no particular material is required for the construction of the compaction weight, preferably, the weight is made of a type of metal suitable for industrial applications, such as steel. On the top surface 30, the compaction weight 14 carries means for engaging 40 forklift tines 26 such as channels 40. Channels 40 are dimensioned to receive the tines 26 whereby the tines 26 are inserted into plural apertures 42. Although channels 40 are shown in FIG. 4A as being carried on the top surface 30 such as by welding; alternatively, channels 40' could be formed integrally with the top surface 30', as shown in FIG. 4B. Additionally, channels 40'' could be formed integrally beneath the top surface 30'' so that channels 40'' are built into the body of the compaction weight 14, as shown by FIG. 4C. What is important to the practice of the invention is that the tines 26 of the forklift apparatus 12 include apertures in channels 40 dimensioned and formed to receive tines 26 so as to engage and support the compaction weight 14.

[0025] Within its outer surfaces, the compaction weight 14 is hollow and adapted to receive a mass to add the sufficient amount of weight for the practice of the present

compaction method. For example, the compaction weight **14** can include plated steel, as well as crushed asphalt or cement. Additionally, the compaction weight **14** can include a flowable mass, such as water or sand. The particular material that is included within the weight **14** will depend on both the types of refuse being compacted, as well as the lifting power of forklift apparatus **10** employed. In making the compaction weight, the top surface **30** of the weight can be welded onto the weight after the weight **14** is appropriately filled with mass. Alternatively, the compaction weight **14** can include an inlet or port **44** that can receive flowable mass.

[0026] A particular feature of the present invention is the use of a compaction method and system, which includes the combination of the forklift apparatus **12** and the compaction weight **14**. Heretofore, forklifts have been used primarily to lift and transport objects. However, the present invention permits a forklift to be used for the additional task of compacting, which was previously beyond its applicability. Additionally, the combination of forklift apparatus **12** with compaction weight **14** provides a relatively simple and economic way of compacting refuse in a receptacle such as a roll off container. Because refuse compactors such as packing rams tend to be both expensive and complex and can take up a large amount of space within the receptacle, the compaction system **10** of the present invention is advantageous because it takes up no space within the refuse receptacle so that the receptacle can hold as much refuse as can be packed into it. Moreover, the compaction system **10** does not require any complicated machinery or special operator skill to implement.

**[0027]** As shown in FIG. 3, the compaction weight **14** of the present invention can also include means for securing compaction weight **14** to forklift apparatus **10**, such as a cable or a chain **46**. Chain **46** adds a safety feature to the compaction system **10**, because it ensures that compaction weight **14** remains engaged to the forklift apparatus **12** during operation.

**[0028]** As previously discussed, another feature of the present invention is the use of compaction weight **14** dimensioned to be engaged by forklift apparatus **12**. The particular dimensions of the compaction weight **14** contribute to the ease and simplicity of the compaction method and system. Furthermore, the use of the chain **46** contributes to the safe and effective compacting of refuse in a receptacle, and minimizes the concern of misplacing or dropping the weight **14** during compaction.

**[0029]** In use, as shown in FIG. 5, the chain **46** is wrapped around a rigid member that forms part of the forklift apparatus **12** such as a tine support **50**. Further, FIG. 5 shows how the tines **26** of the forklift apparatus **12** fit telescopically within the channels **40** to provide a secure and effective hold on the compaction weight **14**.

**[0030]** FIGS. 6A-6E illustrate the compaction method of the present invention, and FIG. 7 provides a flow chart summarizing this process. As shown, the forklift apparatus **12** engages the compaction weight **14**. In particular, the tines **26** of the forklift apparatus **12** are lifted by the forklift operator to an elevation that is level with the channels **40** of the compaction weight **14**. Next, the tines **26** are inserted into the

apertures 42 of the engaging means 40. Optionally, the chain 46 is attached to the forklift apparatus 12.

[0031] Once the compaction weight 14 has been effectively secured to the forklift apparatus 12, the lift assembly 24 operates to lift the compaction weight 14 to an elevation that will be sufficient to clear the top edge of a roll off container 60. The compaction weight 14 is next brought forward by the forklift apparatus 12 so that the compaction weight 14 is directly above refuse 62 contained by the roll off container 60. To compact the refuse, the compaction weight 14 is simply lowered into the roll off container 60. Finally, the compaction weight 14 is lifted and removed by the forklift apparatus 12 leaving behind a compacted roll off container 60. Thereafter, additional refuse 62 can be added to the roll off container 60, and the compacting steps can be repeated until the roll off container 60 is filled with compacted refuse.

[0032] Although the particular dimensions of the compaction weight 14 are not critical to the practice of the invention, preferably, the compaction weight 14 is dimensioned to be received by or fit within a standard roll off container 60. Accordingly, the length, width, and depth of the compaction weight 14 is such that the roll off container 60 can receive compaction weight 14. For example, the length of the compaction weight 14 taken along the longitudinal horizontal axis at Line 2-2, shown in FIG. 2, is preferably less than the length of the roll off container 60 taken along its longitudinal horizontal axis. Standard roll off containers 60 range from approximately 22 feet in length, approximately 6 to approximately 8 feet in width, approximately 4 to

approximately 7 feet in depth. Generally, these roll off containers exist in three main sizes that are capable of handle 20, 30, and 40 yards of volume of refuse.

**[0033]** It will be apparent to those skilled in the art that many changes and substitutions can be made to the preferred embodiment herein described with departing from the spirit and scope of the present invention as defined by the appended claims.



WHAT IS CLAIMED IS:

1. A compaction system, comprising:  
a forklift apparatus; and  
a compaction weight, wherein said forklift has a plurality of tines and wherein said compaction weight has means for engaging said plurality of tines so that said forklift apparatus can lift said compaction weight.
2. The compaction system as recited in claim 1, wherein said engaging means is dimensioned to receive said plurality of tines.
3. The compaction system as recited in claim 1, wherein said compaction weight includes a top surface, an opposing bottom surface, and side walls that are perpendicular to said top surface and said bottom surface and that connect said top surface and said bottom surface.
4. The compaction system as recited in claim 3, wherein said engaging means is formed integrally with said top surface.
5. The compaction system as recited in claim 3, wherein said engaging means is carried on top of said top surface.

6. The compaction system as recited in claim 1, further comprising means for securing said compaction weight to said forklift apparatus.

7. A compaction system, comprising:  
a forklift apparatus having a plurality of tines ; and  
a compaction weight having means for engaging said plurality of tines; and  
a roll off container, wherein said compaction weight is dimensioned to be received by said roll off container.

8. The compaction system as recited in claim 7, wherein said engaging means is dimensioned to receive said plurality of tines.

9. The compaction system as recited in claim 7, wherein said compaction weight includes a top surface, an opposing bottom surface, and side walls that are perpendicular to said top surface and said bottom surface and that connect said top surface and said bottom surface along the edges of said top surface and said bottom surface.

10. The compaction system as recited in claim 9, wherein said engaging means is formed integrally with said top surface.

11. The compaction system as recited in claim 9, wherein said engaging means is carried on top of said top surface.

12. The compaction system as recited in claim 7, further comprising means for securing said compaction weight to said forklift apparatus.

13. A method for compacting refuse within a roll off container, comprising the steps of:

- providing a roll off container with an open top;
- placing refuse in said roll off container;
- providing a forklift apparatus having a plurality of tines;
- providing a compaction weight having channels formed therein;
- elevating said plurality of tines to the same elevation of said channels;
- inserting said plurality of tines within said channels;
- elevating said compaction weight with said forklift apparatus to an elevation that is above the top edge of a roll off container;
- moving said compaction weight with said forklift apparatus over said roll off container; and
- lowering said compaction weight with said forklift apparatus onto said refuse in said roll off container to compact said refuse.

14. The method for compacting as recited in claim 13, further comprising the step of securing said compaction weight to said forklift apparatus.

15. The method for compacting as recited in claim 13, further comprising the steps of:

elevating said compaction weight with said forklift apparatus after said lowering step;

filling said compacted roll off container with additional refuse; and

repeating said lowering steps to compact said additional refuse.

#### ABSTRACT OF THE DISCLOSURE:

A compaction system and method including a forklift apparatus that engages a compaction weight. The compaction weight is lifted by the forklift apparatus over the open top of a roll off container. Thereafter, the weight is lowered into the roll off container to compact the refuse within the roll off container.

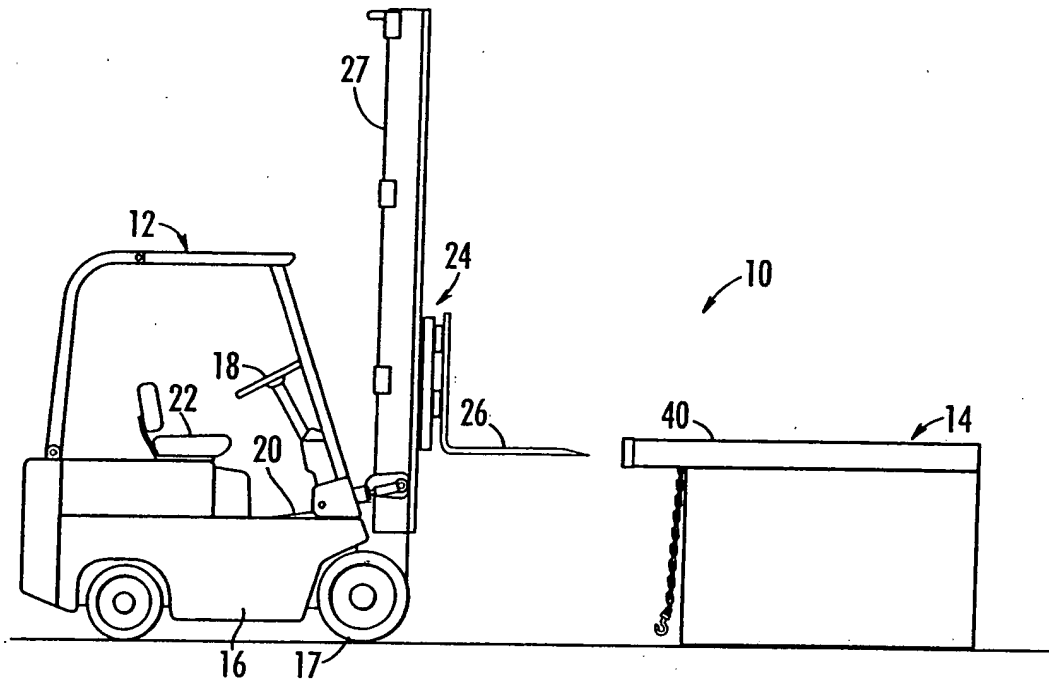


FIG. 1

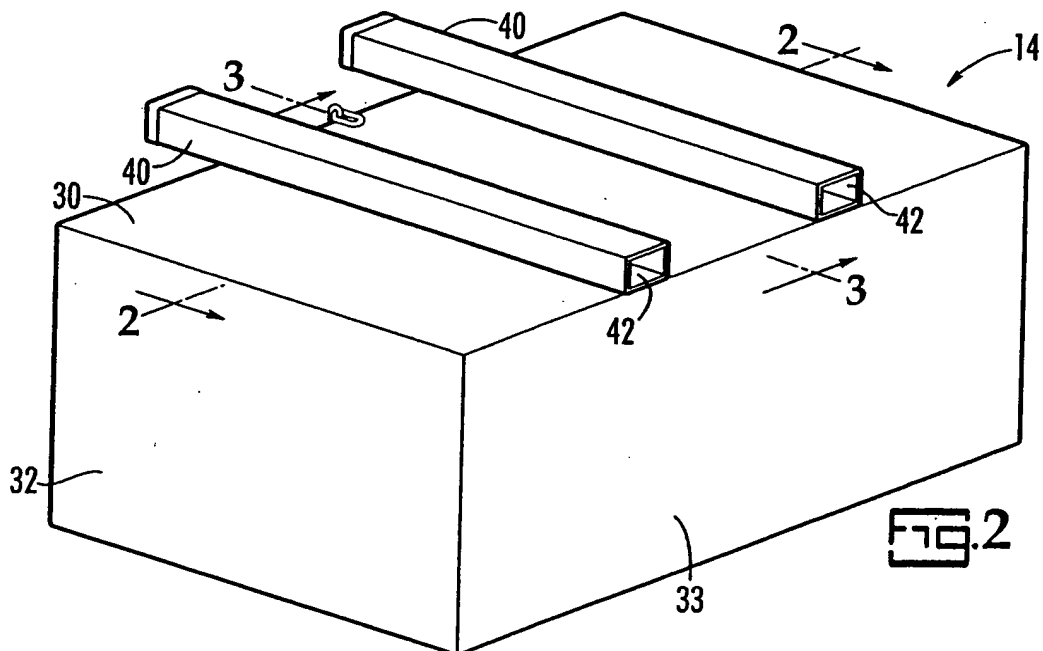
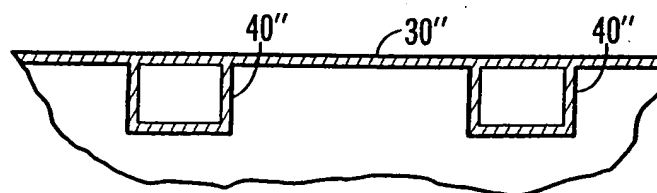
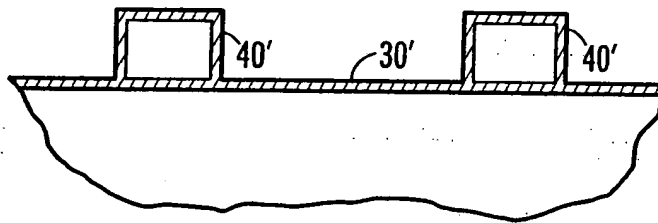
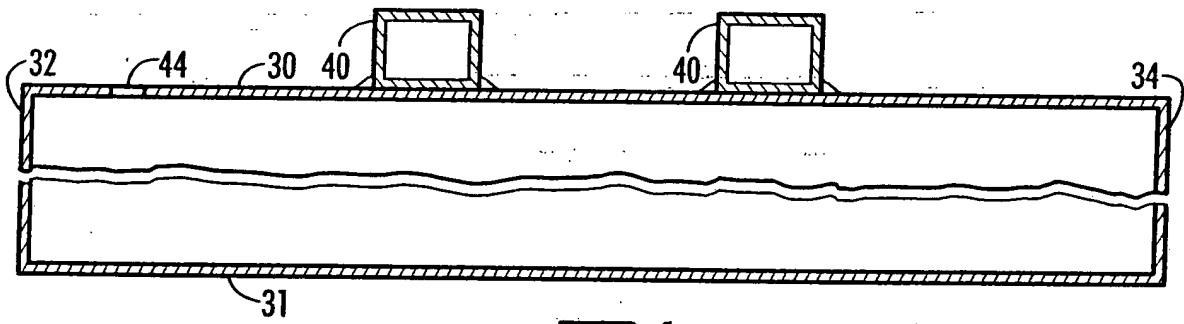
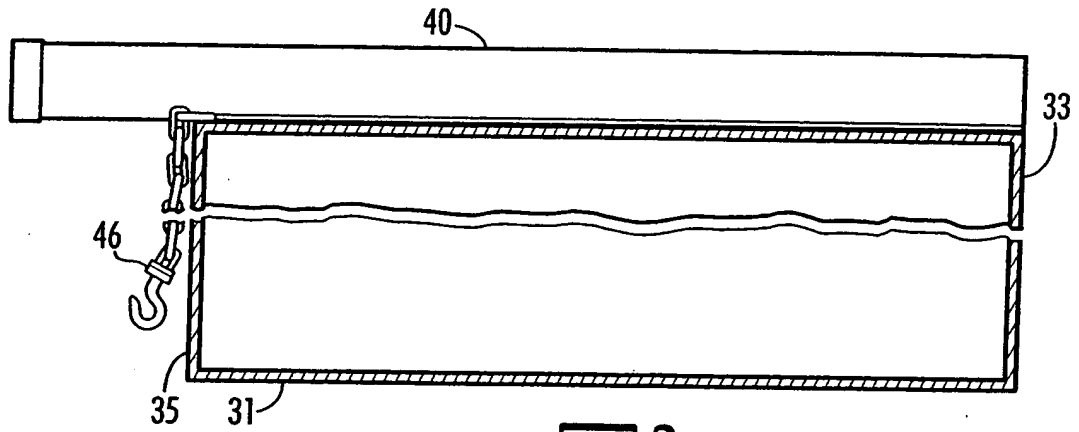
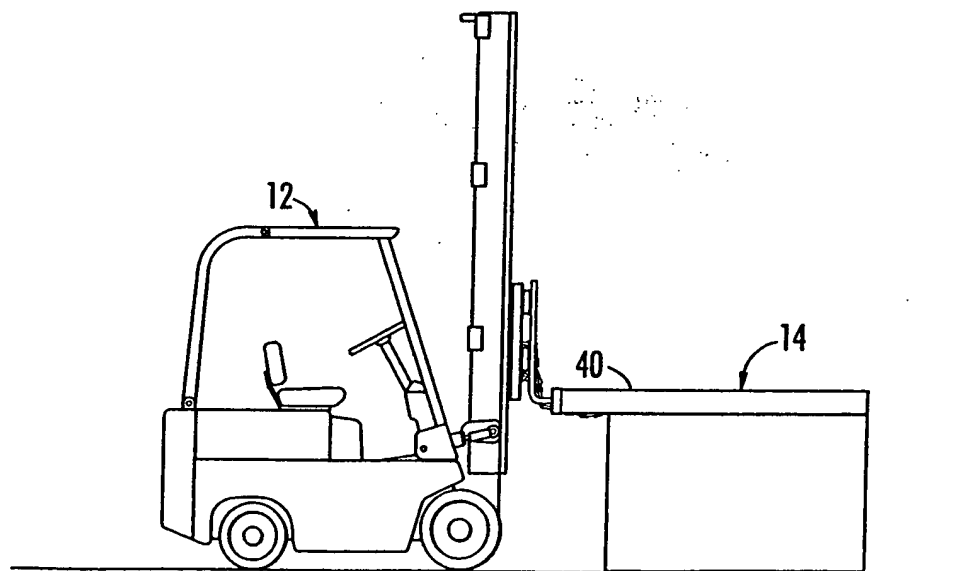
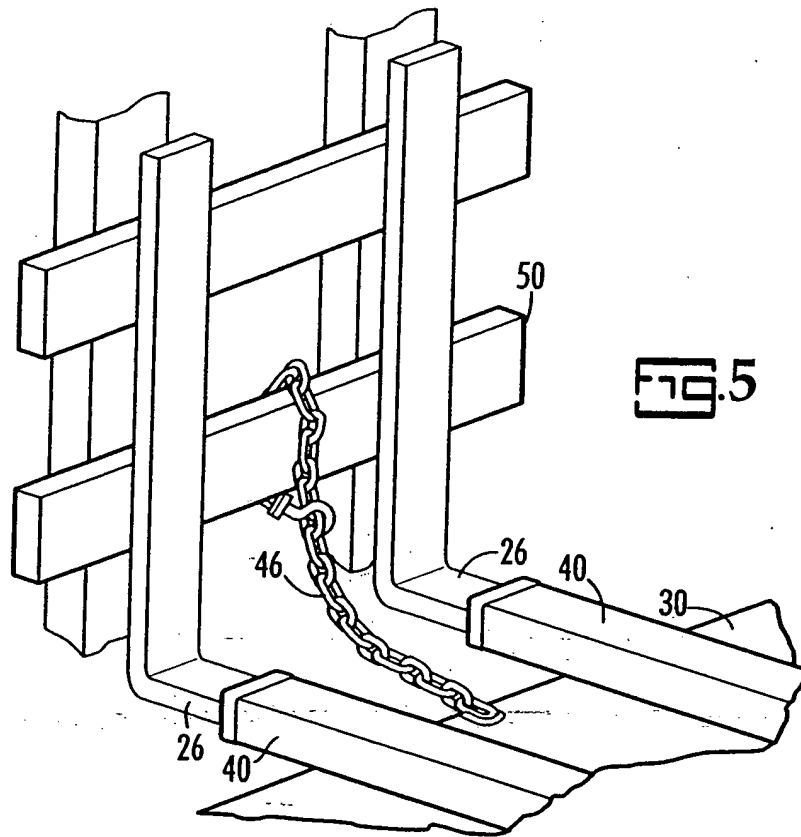


FIG. 2







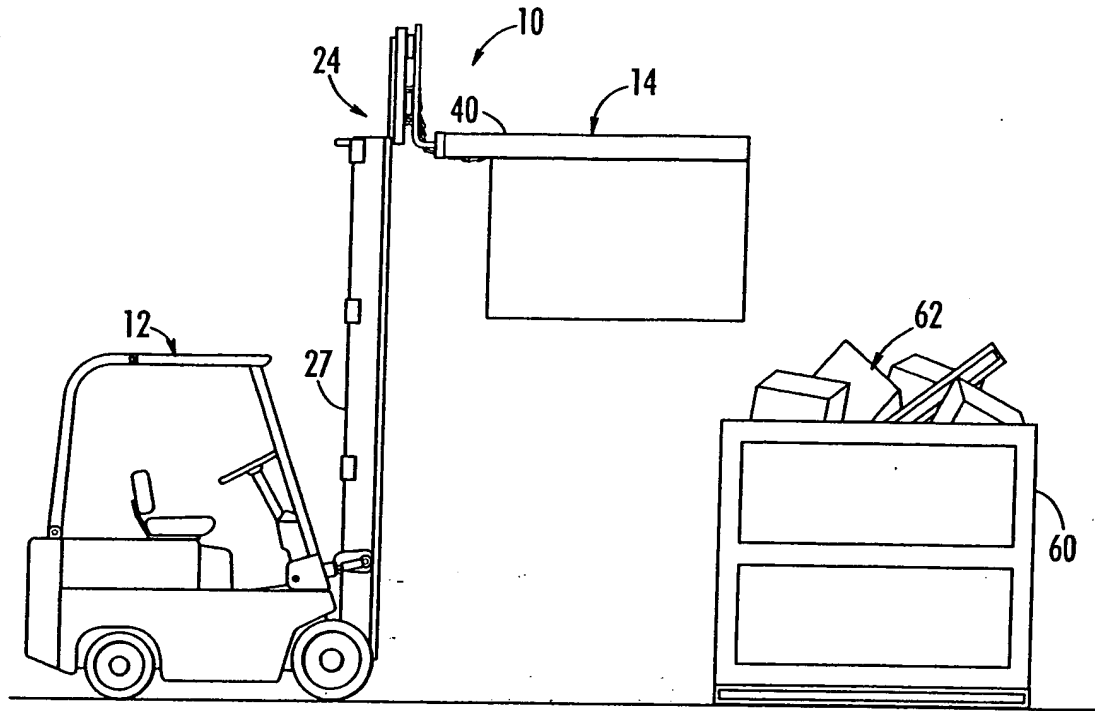


FIG. 6B

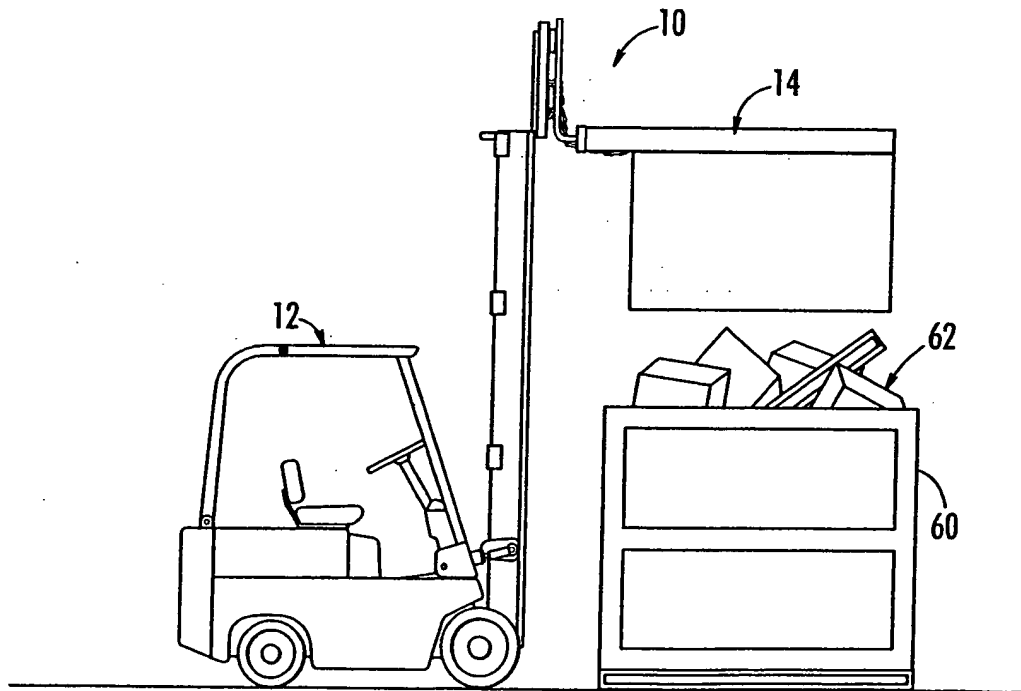


FIG. 6C

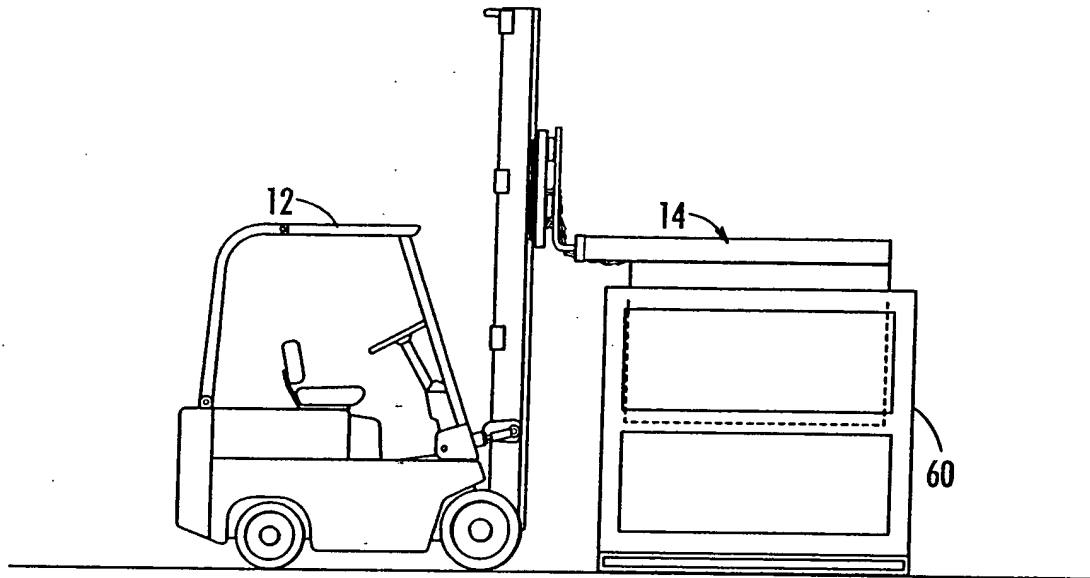


FIG. 6D

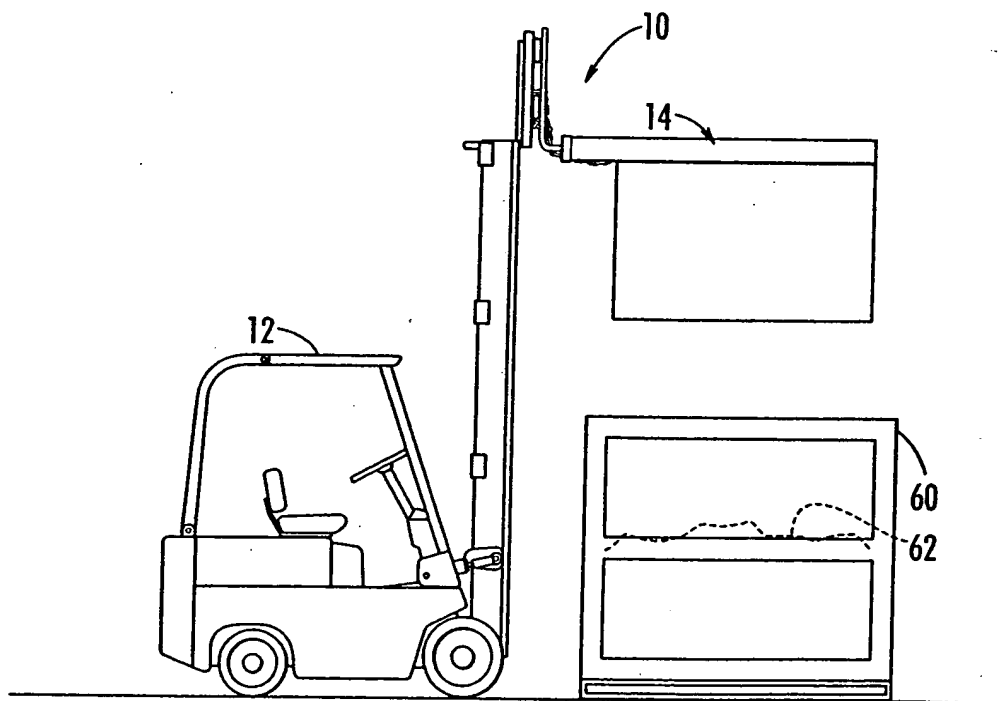


FIG. 6E

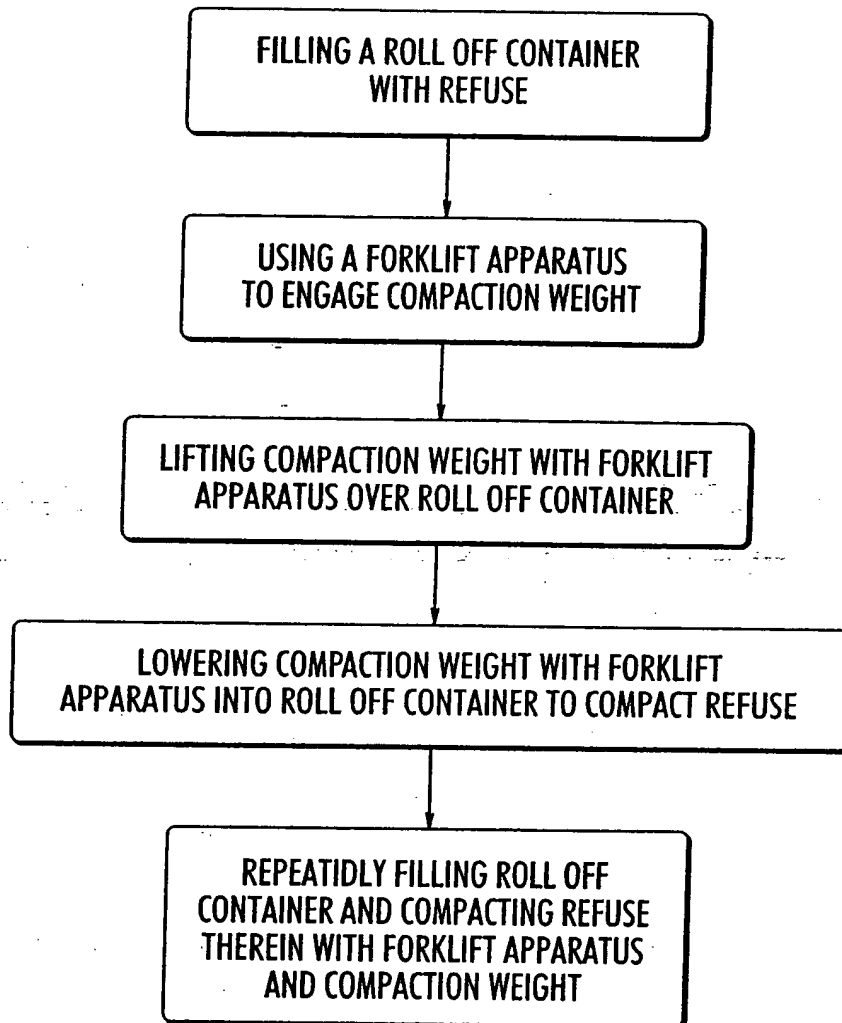
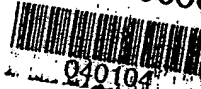


FIG. 7

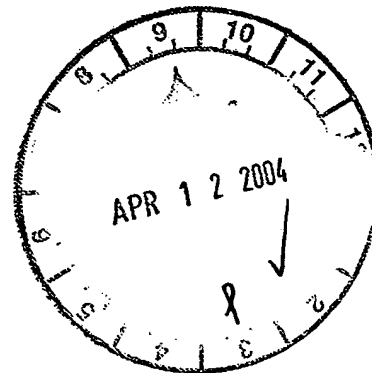
22141 U.S. PTO  
10/816058



**PATENT APPLICATION FILING  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Transmittal Letter; Patent Application Transmittal Letter; Utility Patent  
Application Transmittal; Power of Attorney; Formal Drawings;  
Certificate of Express Mailing; Postcard

In re : Brian Bagwell  
Atty Docket : 32984-1  
Atty: SARA A. CENTIONI  
Title: Compacting Method and Apparatus



**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **BAGWELL, JAMES BRIAN**

Docket No.

**32984-1**

Serial No.

Filing Date  
**HEREWITH**

Examiner

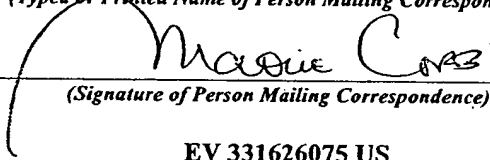
Group Art Unit

Invention: **COMPACTING METHOD AND APPARATUS**

I hereby certify that the following correspondence:

**PATENT APPLICATION AND RELATED DOCUMENTS***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**APRIL 1, 2004***(Date)***MARIE COBB***(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)***EV 331626075 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.****EV331626075US**

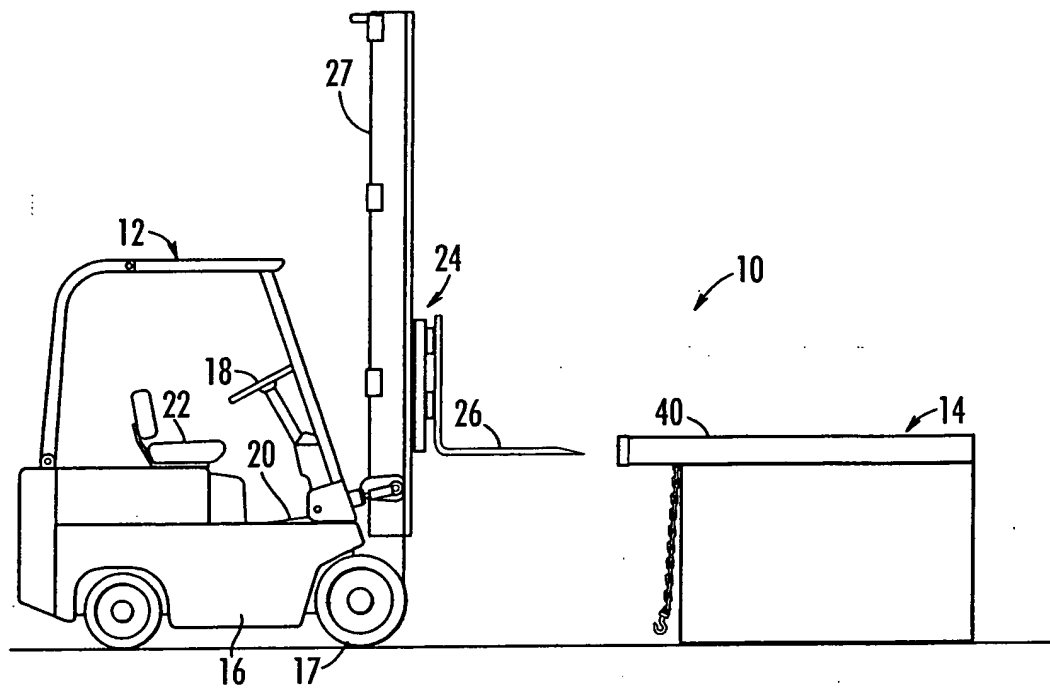


FIG. 1

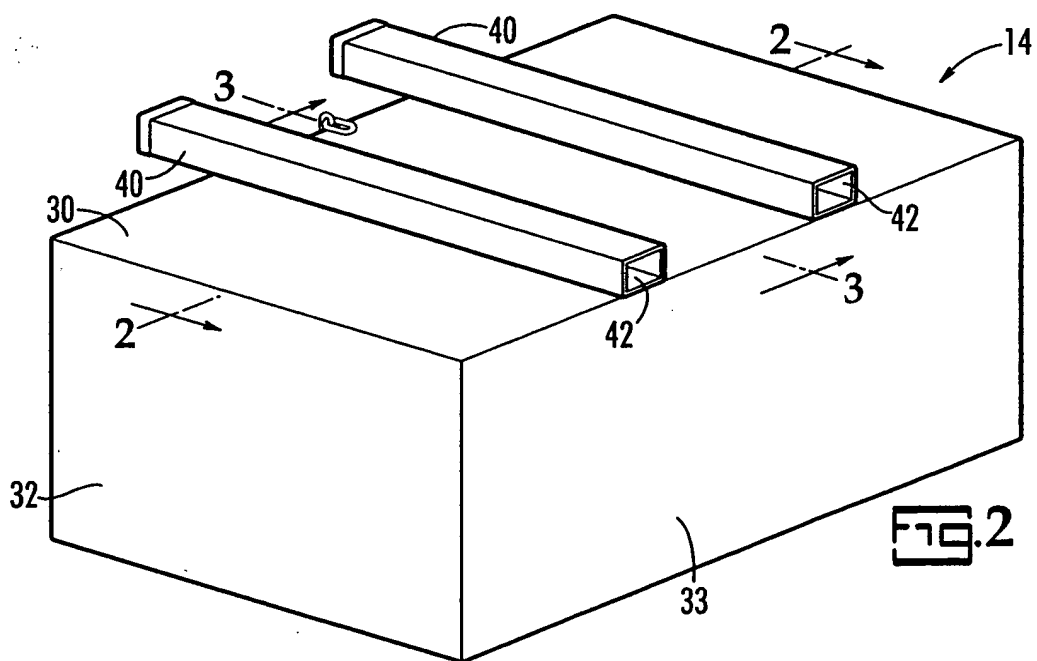


FIG. 2

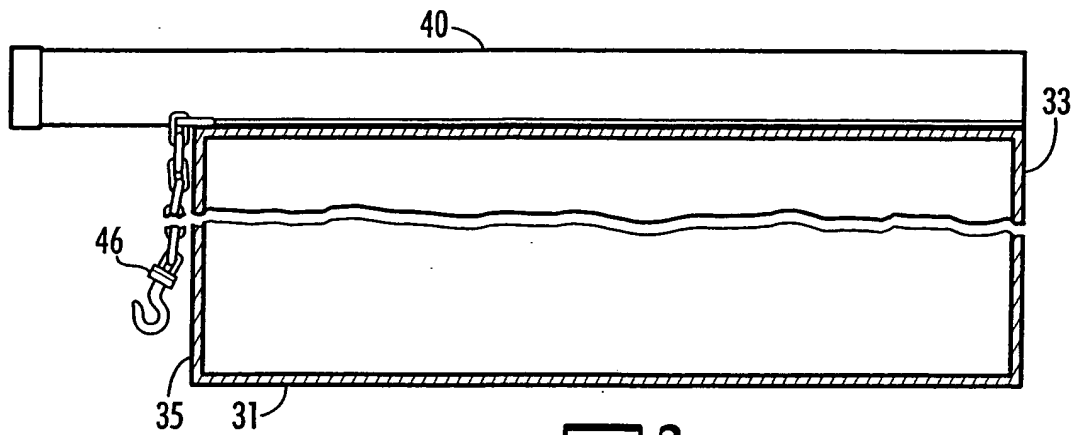


FIG. 3

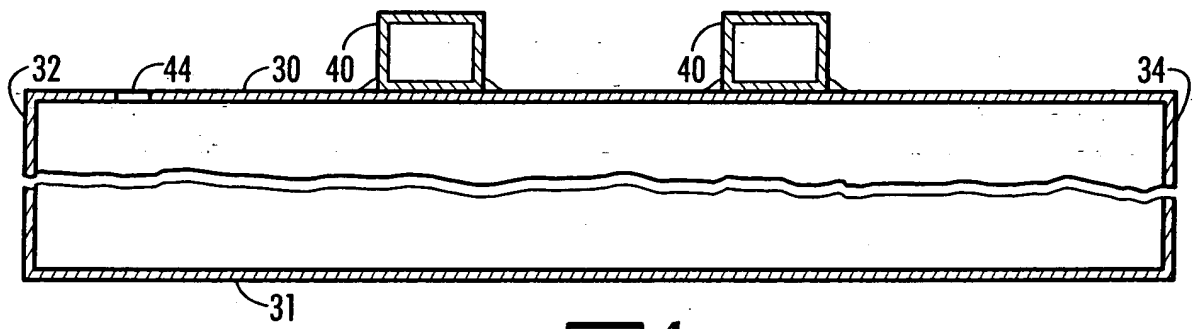


FIG. 4A

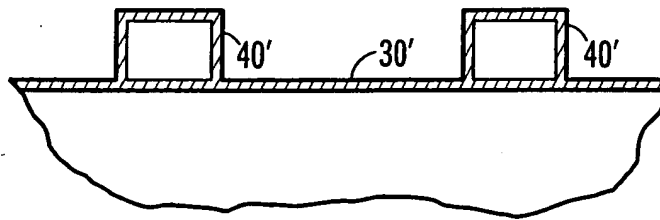


FIG. 4B

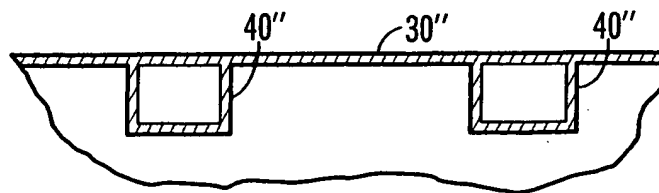
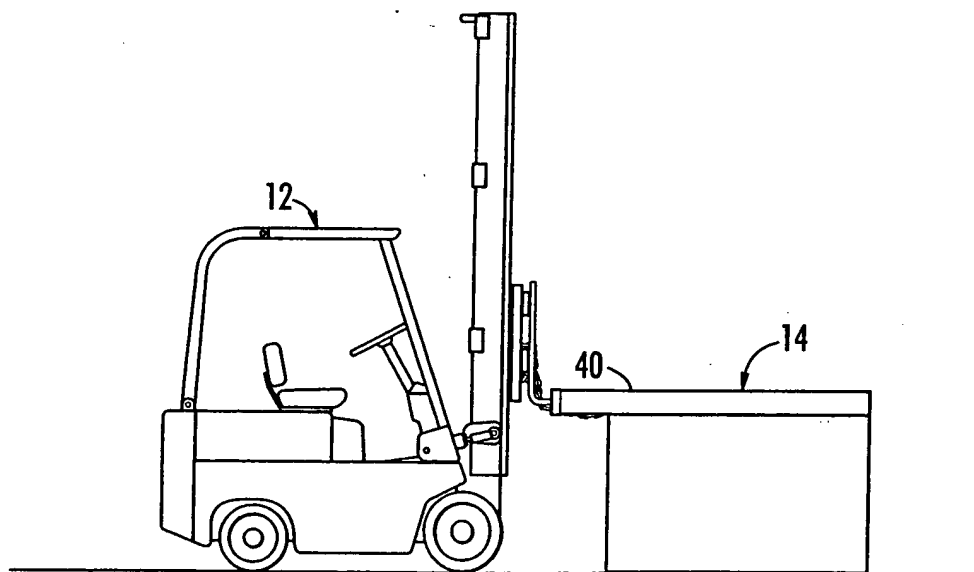
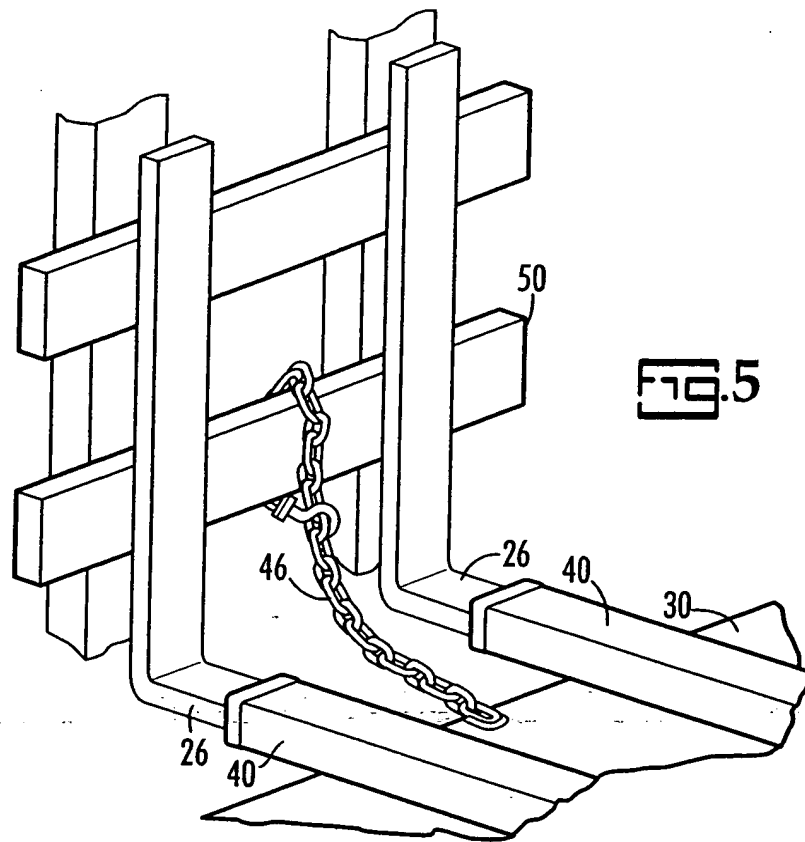


FIG. 4C





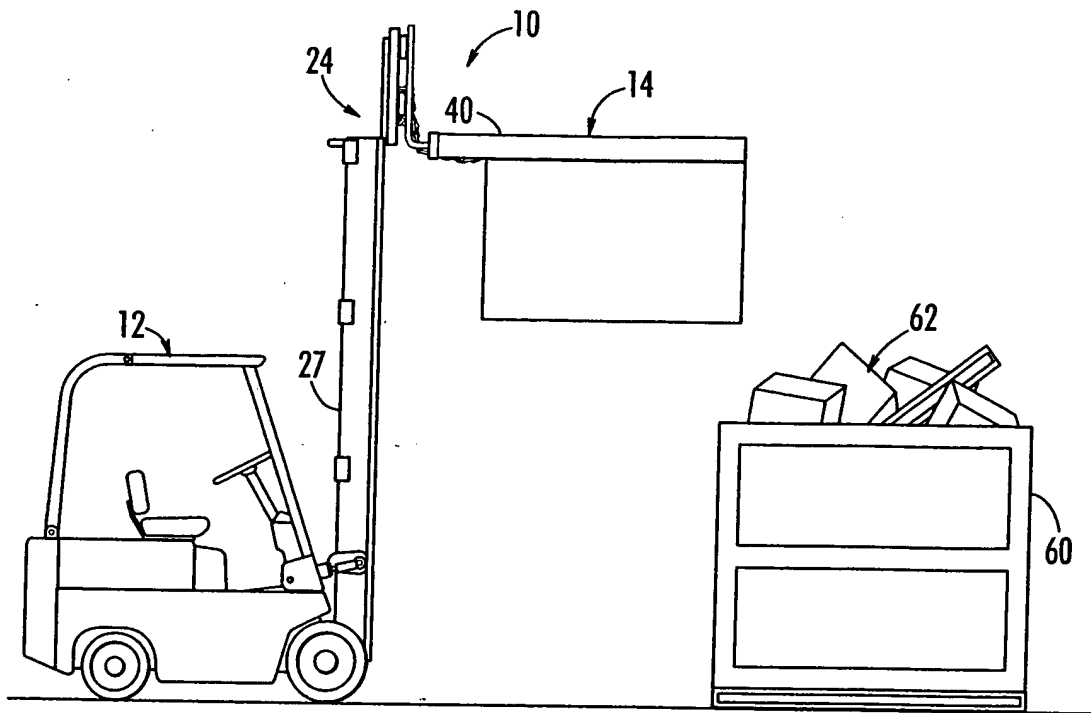


FIG. 6B

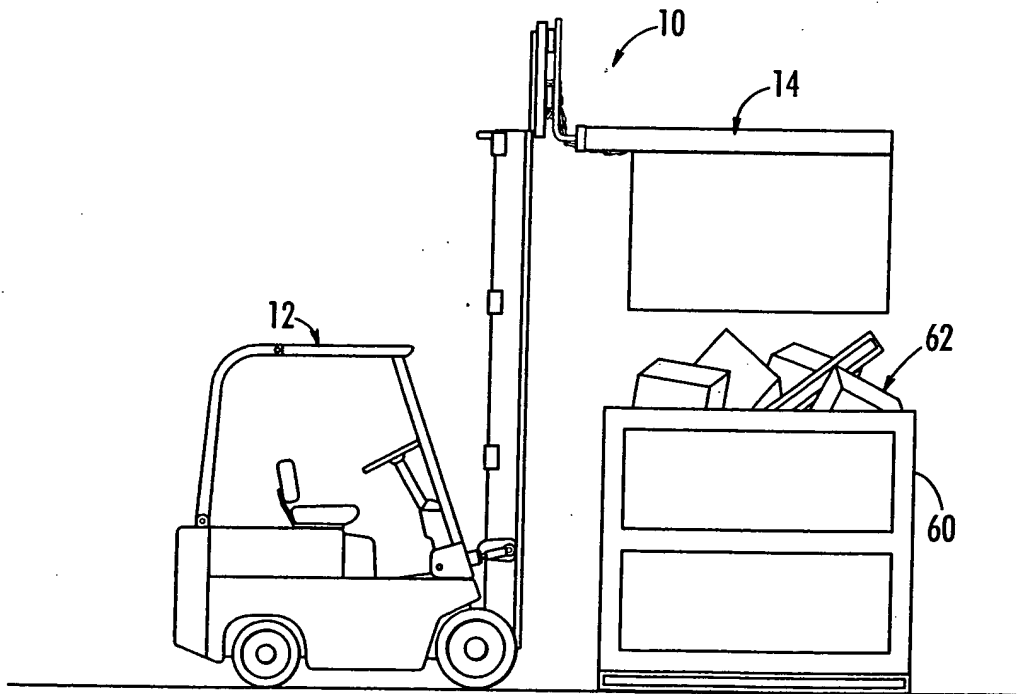
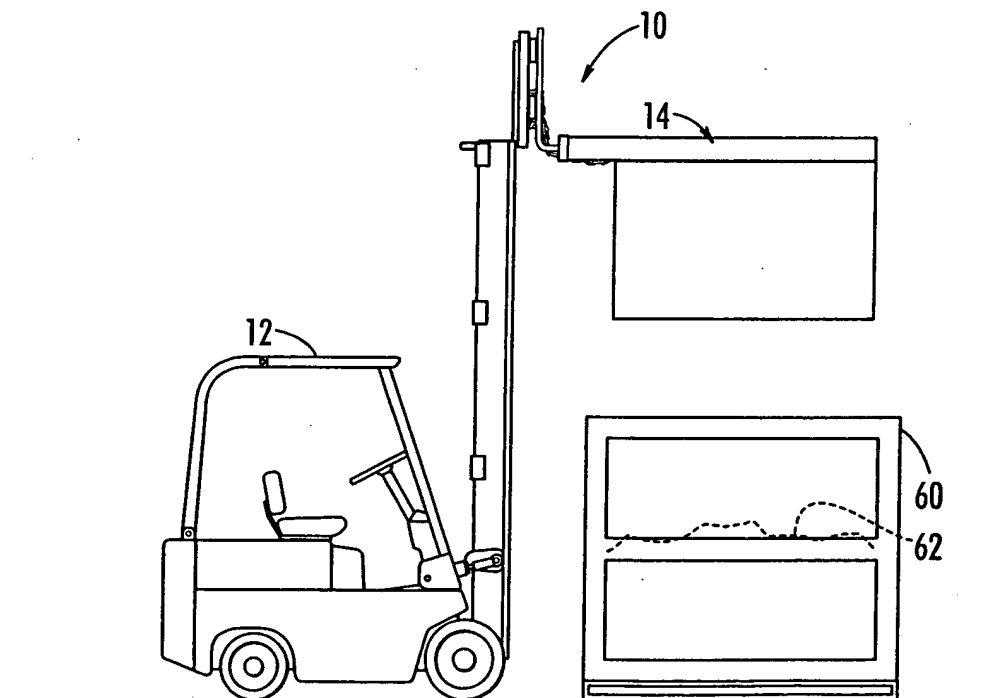
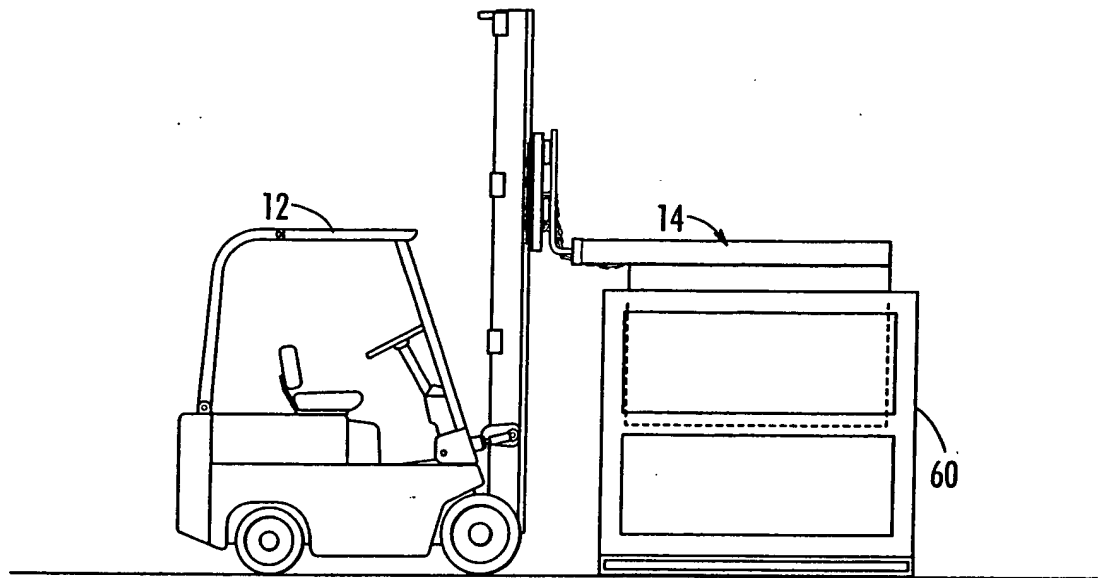


FIG. 6C



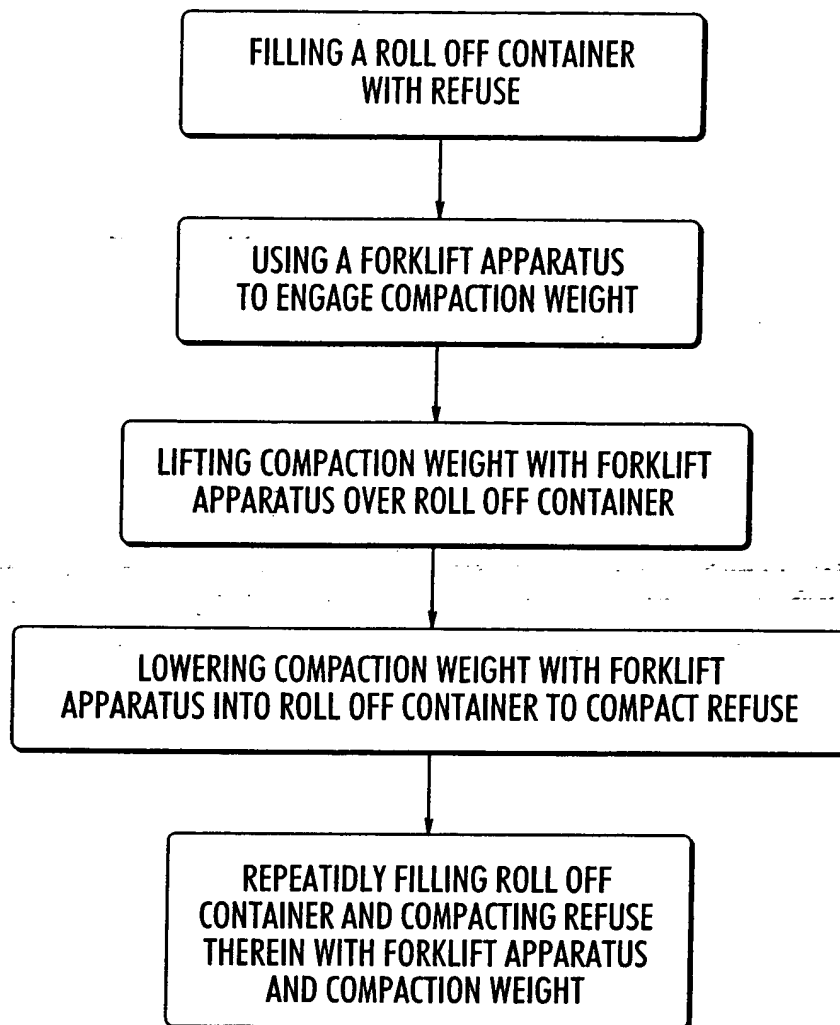


FIG. 7

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Response to Notice to File Missing Parts of Application (3pgs); Notice  
Of Incomplete Nonprovisional Application; Petition; (1 page); Affidavit  
Of Sara A. Centioni (2 pages); Affidavit of A. Marie Cobb (35 pages);  
Formal drawings (6 pages)

In re :

Atty Docket :

32984-01

Serial No.:

10/816,058

Patent No:

Issued:

Filing Date:

April 1, 2004

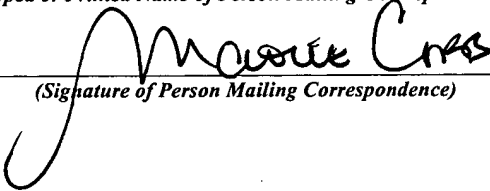
Group Art:

Examining Atty:

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Title:

SARA A. CENTIONI (803) 253-8282  
Compacting Method and Apparatus

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)				Docket No.	
Applicant(s): BAGWELL, BRIAN J.				32984-1	
Application No. 10/816,058	Filing Date 04/01/2004	Examiner	Customer No.	Group Art Unit 9636	
Invention: COMPACTING METHOD AND APPARATUS					
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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **BAGWELL, BRIAN J.**

Docket No.

**32984-1**

Application No.

**10/816,058**

Filing Date

**04/01/2004**

Examiner

Customer No.

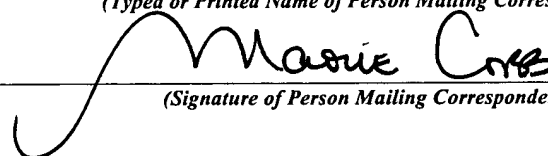
Group Art Unit

**9636**

Invention:

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